



International Refugee
Assistance Project

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COURT RULES FOR THOUSANDS OF AFGHAN AND IRAQI SPECIAL IMMIGRANT VISA APPLICANTS WAITING FOR THEIR VISAS

(Washington, D.C.) – After [ruling in favor](#) of Afghan and Iraqi plaintiffs who have been waiting for visa processing for over nine months while living in dangerous conditions due to their support of U.S. missions in their home countries, a federal judge decided that her ruling applies to all class members who are in similar circumstances. The government now has 30 days to propose a plan to expeditiously process all Special Immigrant Visa (SIV) applications that have been pending in the government’s control for more than nine months.

The SIV program was created by Congress to allow local allies in Iraq and Afghanistan, who are threatened by anti-U.S. forces due to their work with the U.S. government, to safely resettle to the United States, a process that Congress directed should take no longer than nine months after submitting an application. But the [lawsuit revealed](#) that, according to government data, virtually all of the SIV applicants waiting for the government to make a final decision on their applications had already waited more than nine months, and in many cases more than four years. In an amicus brief in support of the Plaintiffs’ request for relief, former Ambassador to Afghanistan and Iraq Ryan Crocker recognized that “the longer an application is delayed, the higher the risk to the applicants and their families.”

After [holding these delays unlawful](#) in September 2019, the court yesterday granted class certification, determining that the class met the legal requirements for certification and recognizing that class-wide relief would “efficiently and effectively bring Defendants into compliance with [their] statutory duty.”

The Court also appointed Plaintiffs John Doe Alpha, Jane Doe Bravo, John Doe Charlie, Jane Doe Delta, and John Doe Echo to represent the class and appointed the [International Refugee Assistance Project \(IRAP\)](#) and Freshfields Bruckhaus Deringer US LLP as class counsel.

The ruling comes at a time of heightened security risk in both Afghanistan and Iraq for those affiliated with the United States.



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Deepa Alagesan, Supervising Attorney in IRAP’s Litigation Department, said: “We are thrilled that the judge is holding the government accountable to its obligations to the thousands of men and women who have sacrificed so much in serving the U.S. missions abroad. Many of them wait in fear for their lives every day, so this ruling will come as a great relief. We are hopeful that the government will assess their applications fairly and speedily and bring them to safety.”

Rebecca Curwin, Associate at Freshfields Bruckhaus Deringer US LLP, said: “This decision is an essential step toward keeping our promises to the thousands of Afghans and Iraqis who risked their lives for the United States. We look forward to the government’s efficient adjudication of applications that have been pending for years.”

To view the decision, click [here](#).

To view the press release, click [here](#).

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